

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

Grand Juror Doe,)
)
Plaintiff,)
)
v.) No. 4:15-cv-00006
)
Robert P. McCulloch, in his official capacity)
as Prosecuting Attorney for St. Louis)
County, Missouri,)
)
Defendant.)

Motion for Leave to Proceed Under Pseudonym

Comes now Plaintiff and moves this Court for leave to proceed under a pseudonym. In support, Plaintiff states:

1. Plaintiff is making an as-applied challenge to Missouri laws criminalizing speech about Plaintiff's experiences as a state grand juror for the investigation of the matter known as *State of Missouri v. Darren Wilson*.

2. Plaintiff is challenging government activity: enforcement of a criminal statute.

See Doe v. Nixon, No. 4:08-CV-1518 (CEJ), 2009 WL 995138, at *3 (E.D. Mo. Apr. 13, 2009).

3. To proceed under a true name requires Plaintiff to disclose private information: that Plaintiff was one of the twelve individuals who served as a grand juror for Missouri's investigation of Darren Wilson's shooting of Michael Brown. This information is so secret that it arguably is against the law for even Plaintiff to reveal it.

4. Plaintiff risks criminal prosecution through the information contained in the initial pleading. *See Nixon*, 2009 WL 995138, at *3.
5. Because violation of the grand jury secrecy statutes is a misdemeanor (*see Mo. Rev. Stat. § 540.120, § 540.320*), bringing this action requires Plaintiff to admit a wish to engage in prohibited conduct.
6. Because the question presented in this case is primarily a legal one, the public interest in ascertaining the plaintiff's identity in this case is minimal.

WHEREFORE Plaintiff respectfully requests that this Court grant leave to proceed in this case under a pseudonym.

Respectfully submitted,

/s/ Anthony E. Rothert
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Certificate of Service

I certify that a copy of the foregoing has been send by United States mail on January 5, 2015, to Robert P. McCulloch, St. Louis Prosecuting Attorney's Office, 100 South Central Avenue, Second Floor, Clayton, Missouri 63105.

/s/ Anthony E. Rothert